

# Stormwater Compliance

## Stormwater Compliance Programme

July 2010

### Introduction

The Auckland Regional Council (ARC) has a dedicated stormwater consents and compliance team which undertakes compliance on all the consents which it grants. Under the Resource Management Act (1991) (RMA), the ARC has a responsibility to undertake compliance on all the consents which have been granted in the past. This includes old 'water rights' which were granted before the RMA was ratified and granted under the Soil and Water Conservation Act (1967).

### Why do compliance?

Compliance is a really important part of the work which the ARC undertakes in order to ensure that, as a community, we reduce the effect that our actions are having on Auckland's streams, estuaries and beaches.

The purpose of our compliance programme is to ensure stormwater discharges have a no more than minor effect on our region's receiving environment and on our public safety. We therefore need to ensure that:

- stormwater devices are built correctly;
- devices are being maintained on a regular basis;
- devices are functioning as per the consented design; and
- the site is in general compliance with the consent that was granted.

### How do we do compliance?

In order to undertake compliance we need to:

- review the original file and consent;
- undertake a site visit to inspect the device;
- write up a compliance report; and
- if necessary, undertake any follow-up for non-compliant sites.

We use contractors to help us visit all the sites. We will always contact you first to obtain permission to go onto your site. We do not necessarily undertake yearly site visits for each consent. The frequency of our visit depends on the level of risk from either the site or the stormwater device. For example, a stormwater pond holds a higher risk of damaging property if it were to fail than a grassed swale. Therefore, consented stormwater ponds are visited more frequently than consented swales. This risk-based approach helps us to prioritise our compliance work. What this means is that you won't necessarily see us every year!

## Charging for our Compliance Work

The ARC is a ratepayer funded organization and we therefore need to recover our costs. Under Section 36 of the Resource Management Act 1991, the ARC can fix charges payable by the holders of consents for some of its resource management functions and activities. What this means is that the ARC does charge for compliance inspections on resource consents which it has granted.

Consent holders are billed on an 'actual and reasonable' basis. What this means is that you will get a bill for the actual amount of time that it has taken someone to investigate, go out to site and complete the compliance work. We have to charge for our work to cover our time as rates money does not fund compliance. Remember though that this is not necessarily a yearly cost. There are also some simple things you can do to make sure the compliance cost on your consent is reduced:

- read and understand your consent conditions – we will be inspecting the device against the conditions of your consent so you need to make sure you can comply with all of them;
- make sure you have submitted all your as-builts to the ARC;
- make sure you have written and submitted your operation and maintenance plan; and
- maintain your device in accordance with your approved operation and maintenance plan.

## What happens if I am contacted?

If you are contacted by one of our contractors, or have received a bill from us, it means that you are the contact person/ organisation for a stormwater consent that the ARC has granted.

If you no longer own the consented site then it is your responsibility to transfer the consent to the correct owner (otherwise you may be liable for our charges). There is a one-off fee of \$200 to transfer consents and you will need to complete a short form which you can download from the ARC's website: [www.arc.govt.nz](http://www.arc.govt.nz)

## Contact Us

For further information please contact us on: 0800 366 2000 or view our website: [www.arc.govt.nz](http://www.arc.govt.nz)